

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DANNY E. HOOKS,**

**Petitioner,**

**v.**

**BETTY MITCHELL, Warden,**

**Respondent.**

**Case No. C-1-00-54**

**JUDGE WATSON**

**Magistrate Judge King**

**ORDER**

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. §2254. This matter is before the Court upon a suggestion of death, filed by petitioner's counsel, (doc.no. 58).

Counsel for petitioner filed a notice on October 7, 2004, indicating that petitioner, Danny Hooks, has died during the pendency of this action. Accordingly, the parties are DIRECTED, within twenty (20) days of the date of this order, to show cause why this action should not be dismissed. Responses should be accompanied with appropriate documentation of Petitioner Hooks' death.

**IT IS SO ORDERED.**

Oct 12, 2004

*s/Norah McCann King*  
**Norah McCann King**  
**United States Magistrate Judge**